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06-CV-05038-CMP

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

STL International, Incorporated, a Washington
State corporation,

Plaintiff,

v.

TV Market LLC, a limited liability company of
the State of Wisconsin, and Chris J. Reoch and
John Doe, Individuals,

Defendants.

CV 06-5038 KLS
COMPLAINT FOR FALSE
DESIGNATION OF ORIGIN AND
DECEPTIVE TRADE PRACTICES

Plaintiff STL International, Incorporated (hereinafter "STL") files this Complaint on
personal knowledge as to its own activities and on information and belief as to the activities
of others:

I. THE PARTIES

1. STL is a Washington State corporation with its principal place of business at
9902 - 162nd Street, Ct. E, Pullayup, Washington 98375.

2. TV Market LLC (hereinafter "TV Market") is a company located in the State
of Wisconsin having a principal place of business at 17125c West Bluemond Ave., Suite 296,
Brookfield, Wisconsin 53005. TV Market's limited liability structure has organized under the
laws of Wisconsin and duly registered in 2003, but now appears to be delinquent.

COMPLAINT
STLN283PL.DOC

ORIGINAL

CHRISTENSEN
O'CONNOR
JOHNSON
KINDNESS^{LLC}

LAW OFFICES
1420 Fifth Avenue, Suite 2800
Seattle, WA 98101-2347
TELEPHONE: 206.682.8100

413568 5/155

3. Chris J. Reoch is an individual having a place of business at 18960 W. Greenfield Ave., Brookfield, Wisconsin and is a principal of TV Market.

4. John Doe is an individual and an unknown principal of TV Market.

II. JURISDICTION AND VENUE

5. This is an action arising from the Trademark Act of 1946, §1051, *et seq.*, the laws of the State of Washington, and the common law. This Court has jurisdiction over this action pursuant to 28 USC §1331 (Federal question), 15 USC §1121 (actions arising under the Lanham Act), 28 USC §1332 (diversity jurisdiction), 28 USC §1338 (acts of Congress relating to trademarks and unfair competition), and 28 USC §1367 (supplemental jurisdiction of related state law claims). The amount in controversy exceeds the sum or value of Seventy-five Thousand Dollars (\$75,000.00).

6. Venue is proper in this jurisdiction under 28 USC §1391.

7. This Court has personal jurisdiction over Defendants because Defendants regularly transact business within this District and have committed tortious acts within this District.

III. FACTUAL BACKGROUND

Plaintiff's History and Business.

8. For many years, Plaintiff STL has been offering for sale and selling uniquely configured inversion equipment, including inversion tables, which allow a user lying thereon to rotate the table in a manner such that the user's head is positioned below the user's feet, thus allowing the user to obtain the benefits of inversion therapy. STL advertises and markets its inversion tables through the use of printed advertisements, brochures, and the Worldwide Web and STL's products may be viewed at www.teeterhangups.com. In all of its advertising, STL makes use of photographs of its inversion tables, and copies of certain of STL's photos are attached herafter as Exhibits A and B. These photographs are the property of STL.

1 Defendants' Misleading Use of Photographs of STL's Products.

2 9. Defendants TV Market and its principals, Chris Reoch and John Doe, operate a
3 Website on the Worldwide Web located at www.tvmarketplace.net. This Website is
4 accessible in the State of Washington. Defendants offer a wide variety of products for sale on
5 this Website including inversion tables which are not the true and authentic inversion tables
6 manufactured by STL. Such products are offered for sale and sold to residents of Washington
7 State and this Judicial District. Notwithstanding that Defendants are not offering to sell STL's
8 inversion tables, Defendants make use of photographs of STL's inversion tables on their
9 Website which are, in fact, the same photographs that STL uses to advertise and promote the
10 sale of its own products. See attached Exhibits C and D.

11 10. As early as November 21, 2005, STL's attorneys wrote to TV Market warning
12 that Defendant's use of STL's registered trademark HANGUPS, U.S. trademark registration
13 No. 1,865,881 and its use of photographs of STL's products on its Website, constituted not
14 only trademark infringement but also an attempt to mislead the public into believing that they
15 were buying the high-quality products of STL when in fact, the inversion tables being offered
16 were not those of STL. Defendants did not respond. On December 6, 2005, STL's counsel
17 again wrote Defendants acknowledging that their use of the HANGUPS trademark on their
18 Website had apparently ceased but that the continued use of photographs of STL's products
19 was misleading and calculated to cause purchasers of the inversion tables to believe they were
20 purchasing STL products when, in fact, they were not. Again there was no response from
21 Defendant. The photos of STL's products continue to misleadingly appear on the
22 TV Marketplace Website in connection with offers to sell products that are not the authentic
23 products of STL.

24 FIRST CLAIM FOR RELIEF

25 (False Designation of Origin)

26 11. Plaintiff realleges and incorporates by reference the allegations and facts set
27 forth in paragraphs 1-10 above.

1 12. Defendants' above-described activities constitute both a false designation of
2 origin and a false description of Defendants' products in violation of §43 of the Lanham
3 Trademark Act (15 USC §1125) and the common law of the State of Washington.

4 SECOND CLAIM FOR RELIEF

5 (Unfair and Deceptive Trade Practices)

6 13. Plaintiff realleges and incorporates by reference the allegations and facts set
7 forth in paragraphs 1-10 above.

8 14. Defendants' activities constitute false and deceptive trade practices and unfair
9 competition in violation of RCW 19.86 et seq.

10 PRAYER FOR RELIEF

11 WHEREFORE, STL respectfully prays this Court for judgment against Defendants for
12 the following alternative and cumulative relief:

13 A. Issuance of preliminary and permanent injunctions prohibiting Defendants,
14 their agents, servants, employees, officers, successors, and assigns, and all persons, firms and
15 corporations acting in concert or in participation with Defendants or on Defendants' behalf,
16 from using any trademarks of STL or any photographs of STL products in connection with the
17 offering for sale and sale of any products not manufactured by STL;

18 B. Entry of judgment awarding Defendants' profits and compensatory and
19 exceptional damages, in an amount to be shown at trial, to be paid by Defendants to Plaintiff
20 pursuant to §35 of the Lanham Trademark Act (15 USC §1117) and RCW 19.77.150 and
21 RCW 19.86.090 and all other applicable laws, plus all applicable statutory penalties,
22 reasonable attorney's fees and the costs incurred in this matter;

23 C. Entry of an order requiring Defendants deliver up for destruction all
24 photographs of STL's products in its possession; and
25
26
27

1 D. For such other and further relief as this Court may deem just and proper.

2 Dated this 20th day of January, 2006.

3
4 STL INTERNATIONAL, INC.

5
6 By: 

7 James R. Uhlir, WSBA No.: 2,365

8 CHRISTENSEN O'CONNOR JOHNSON
9 KINDNESS^{PLLC}

10 1420 Fifth Avenue, Suite 2800

11 Seattle, WA 98101-2347

12 Telephone: 206.682.8100

13 Fax: 206.224.0779

14 E-mail: juhli@cojk.com,

15 courtdocs@efiling.com

16 Attorneys for Plaintiff



www.teeterhangups.com

Company
Info

All About
Inversion

All About
Your Back

Products

Testimonials

Customer
Support

Press
Room

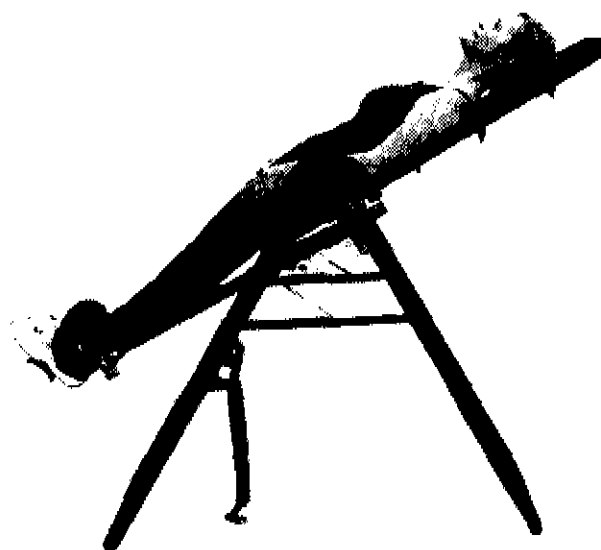
Site Map

Warranty
Registration

Quality Inversion Products Since 1981

Hang U
Highlig

Free Product Upgrade - Important Information



Product shown: US000 Inversion Table

Select a page from pull-down menu Find It!

 **VIEW CART** | **SHOP ONLINE**

Home Page | Company Info | All About Inversion | All About Your Back | Medical Contraindications
Teeter Hang Ups Products | How to Order | Testimonials | Customer Support | Press Room | Site Map | Contact
Us

We support Children's Chance for Life



Exhibit A
Page 6



TEETER



www.teeterhangups.com

Company
Info

All About
Inversion

All About
Your Back

Products

Testimonials

Customer
Support

Press
Room

Site Map

[VIEW CART](#) | [WH](#)



6'6", 300 lbs. Capacity

F5000™ *Inversion Table*

\$359.95 plus shipping and handling

[Place Order for F5000 Inversion Table](#)

[Place Order for Adapter Kit](#)

[Search for a Retailer in Your Area](#)

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UL Classified 2601-1, medical
equipment in a clinical setting*

Self-locking hinges*

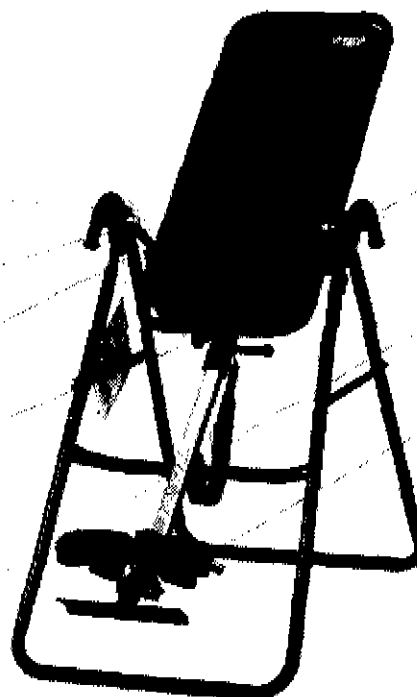
Teflon® embedded epoxy-coated
roller hinges*

Heat treated high quality
carbon steel*

De-rattler knob*

Triple-plated chrome main shaft*

* denotes features unique or patented for
Teeter Hang Ups equipment



Remove

Durable, inj
rubbe

Adjustabl

Curved foam

Gravity

Easily foli

[Click here to download a printable F5000](#)

• Triple-plated chrome main shaft

Exhibit B
Page 7



The premier market place for As Seen On TV products.

[Home/Kitchen](#) | [Yard/Garden](#) | [Personal Care](#) | [Fitness](#) | [Gifts](#) | [Electronics](#) | [Flowers](#) |

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[Sign In](#)

- Free 30 Day Warranty | ■ Toll Free Order Hotline
- Fast Shipping | ■ Buy 3 Get 1 Free*
- 1 Free \$20 Gift & Free eCards with each purchase.


ORDER HOTLINE
916-679-0335
Similar Products
The Deluxe LifeFi..

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-  [ABOUT_US](#)
-  [AFFILIATE](#)
-  [WHOLESALE](#)
-  [CONTACT_US](#)
-  [SHOPPING_CART](#)

The LifeFit Inversion Table Pro



Free Bonuses: Unlimited E-Cards & \$20 Gift (click here)

Availability: In Stock: Usually ships the same day.**Warranty:** Extended 3 year warranty (\$14.95) ☐**Free 1 Year Warranty Buy Yours Today!**
 Buy 1 Just **\$169.95**
 Buy 3 Get 1 Free Just **\$159.95**
 Other Qty

Similar Products:

The Deluxe LifeFit Inversion. Just \$189.95

REVERSE GRAVITY! EXPERIENCE THIS INCREDIBLE AND EFFECTIVE WAY TO REDUCE BACK AND NECK PAIN.

Designed to reduce back stress by relieving pressure on vertebrae disks and ligaments, reducing muscle fatigue and relaxing your body, the Inversion Table Pro stimulates blood circulation to relieve stiff muscles and helps to fight compression fatigue and increases body flexibility. Its **sturdy construction, integrated safety features** and **ergonomic ankle cushions** make it a stylish and comfortable inversion solution. It's also been upgraded to support up to 300lbs. For ultimate comfort, safety, and control. You can't find a better inversion table even for hundreds of dollars more. **Buy direct and save!**

This multiple-benefit machine uses the same method many hospitals and doctors use to reduce pressure on spinal columns and increase blood circulation. Many people report that it helps alleviate pain and stress. The inversion stretch station lets you invert to multiple angles, which helps to put your spine into traction and decompression. It helps you stretch and rejuvenate muscles, rounding out your exercise routine.

For stability while in the inverted position, the Inversion Table Pro features **locking hinge** plates that holds the table firmly in place. This lock enables you to perform exercises such as **sit ups, crunches**, and **lateral stretches** with the security of a stable base. When you are done, you can easily fold your Inversion Table Pro and store it compactly.

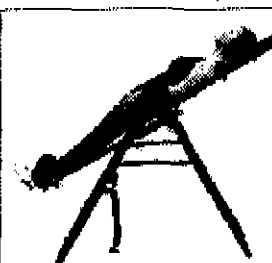
Benefits:

- Helps reduce back stress by relieving pressure.
- Reduce fatigue, stress and relaxes your body.
- Stimulates circulation of blood.
- Helps fight compression fatigue & increases flexibility.
- Helps reduce the effects of aging caused by gravity.
- Increased body flexibility improves athletic performance.

Unit Information:

- Assm Size: 49.0"L x 25.0"W x 62.0"H
- User Height Range: 4' 9" to 6' 6"

Whats included? | Features



Key Features

Retail: \$299.95
On Sale for \$169.95.
You save 60% from our factory direct savings!

Supports up to 300lbs and Height of 4' 8" to 6' 6"

90% Pre-Assembled with fast and easy setup

Designed to support 4 times the recommended weight for ultimate control and safety

Special extended safety handles for stability.

Ergonomic ankle cushions for comfort and control

Special lock's enables you to perform

Exhibit C
 Page 8



TV Market Place.net

The premier market place for As Seen On TV products.

[About Us](#) | [Help Center](#) | [View Cart](#) |

- Free 30 Day Warranty | ■ Toll Free Order Hotline
- Fast Shipping | ■ Buy 3 Get 1 Free*
- 1 Free \$20 Gift & Free eCards with each purchase.

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The LifeFit Inversion Table Pro as low as **\$159.95**

Inversion Table 75112



The Deluxe LifeFit Inversion Table Pro as low as **\$189.95**

Inversion Table 751122



The LifeFit Inversion Table Pro as low as **\$159.95**

Inversion Table 75112



The Deluxe LifeFit Inversion Table Pro as low as **\$189.95**

Inversion Table 751122

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